

### REMARKS

In response to the final Office Action mailed June 28, 2006, Applicants have amended claims 22 and 23. It is urged that support for all the above amendments may be found throughout the specification as originally filed, for example at page 23, lines 3-4, page 14, line 24-page 15, line 1 and page 59, lines 24-25. No new matter has been added. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 22 and 23 are pending in the application. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Applicants would like to thank Examiner Lankford for the productive telephone interview of September 20, 2006. During the interview, this and other related applications were discussed. In particular, the outstanding rejection of the instant claims under 35 U.S.C. § 102(b) was discussed and claim amendments were discussed that more particularly point out certain embodiments of Applicants' invention.

#### ***Rejections under 35 U.S.C. § 102(b)***

Claims 22 and 23 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Creson *et al.* (Journal of Virology 73(11) 1999). In particular, the Action alleges that while Creson *et al.* teaches the activation and expansion of T cells generically and not specifically regulatory T cells, the article still anticipates the claimed invention because the genus of T cells contains very few species. The Action alleges that the skilled person would at once envisage "regulatory T cells" when reading Creson's generic "T cell".

Applicants respectfully traverse the rejection and submit that the cited reference does not anticipate the present invention. Nonetheless, without acquiescing to the rejection and solely to expedite prosecution, Applicants have amended claim 22 to recite "a method for activating and expanding a population of regulatory T cells by simultaneous T cell concentration and cell surface moiety ligation, comprising contacting a population of cells wherein at least a


portion thereof comprises regulatory T cells with a surface, wherein said surface is a surface of a paramagnetic particle and wherein said surface has attached thereto a first agent that ligates a first T cell surface moiety of a regulatory T cell, and the same surface has attached thereto a second agent that ligates a second moiety of said regulatory T cell; and applying a magnetic force that predominantly drives T cell concentration and T cell surface moiety ligation....” This amendment is made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Nowhere do Creson *et al.* teach or suggest using a magnetic force to concentrate and simultaneously stimulate even a generic population of T cells let alone a population of regulatory T cells. Accordingly, Applicants submit that the rejection has been obviated. Reconsideration and withdrawal of the rejection is respectfully requested.

In view of the above amendments and remarks, the claims are now believed to be in condition for allowance. A good faith effort has been made to place the application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at 206-622-4900 to resolve same.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

  
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Julie A. Urvater, Ph.D., Patent Agent  
Registration No. 50,461

JAU:ms

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

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